

REMARKS

Claims 1, 14, 15, and 26-36 have been amended. Claims 1-36 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Provisional Double Patenting Rejection:

The Examiner provisionally rejected claims 1-36 under the judiciary created doctrine of double patenting over claims 1-56 of co-pending Application No. 10/618,810. If this rejection becomes non-provisional, Applicants will either submit a terminal disclaimer or present arguments traversing the rejection.

Claim Objections:

The Examiner objected to the specification for failing to provide proper antecedent basis for “‘computer-accessible storage medium’ as recited in line 1 of claim 7.” Applicants note that claim 7 does not recite “computer-accessible storage medium” and therefore assume the Examiner is referring to claims 26-36. Claims 26-36 have been amended to recite “computer-readable storage medium” to match the specification, thus removing the antecedent basis issue. Accordingly, Applicants respectfully request withdrawal of this objection.

Section 101 Rejection:

The Examiner rejected claims 15-25 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Although Applicants respectfully traverse this rejection, in order to expedite prosecution, independent claim 15 has been amended to recite “using one or more computers to perform” in the body of the claim. Applicants assert claim 15 as amended is clearly directed toward statutory subject matter.

Accordingly, Applicant respectfully requests removal of the section 101 rejection of claims 15-25.

Section 103(a) Rejections:

The Examiner rejected claims 1-19, 25-30 and 36 under 35 USC § 103(a) as being unpatentable over Mckee et al. (U.S. Patent 5,488,694) (hereinafter “Mckee”) in view of Saliba et al. (U.S. Publication 2001/0037315) (hereinafter “Saliba”) in view of Demers et al. (U.S. Patent 5,781,912) (hereinafter “Demers”), and claims 20-24 and 31-35 as being unpatentable over Mckee in view of Saliba further in view of Demers and further in view of Klein et al. (U.S. Patent 6,728,958) (hereinafter “Klein”). Applicants note that the Examiner does not cite Demers in remarks directed to claims 1-19, 25-30 and 36, but rather cites Hallmark et al. (U.S. Patent 5,452,445) (hereinafter “Hallmark”). Thus, the rejection is improper. Applicants respectfully traverse these rejections for at least the following reasons.

In regard to claim 1, the cited art does not teach or suggest *pause currently executing ones of the plurality of transactions managed by the transaction manager in response to a pause request to pause the transaction manager, wherein while paused, the transaction manager does not allow any of the plurality of transactions managed by the transaction manager to complete.* McKee is directed to “effect[ing] block data transfer[s] between a plurality of physical I/O devices coupled through interfaces to an I/O channel (“IOC”) bus.” (McKee, Abstract). McKee describes a transaction queue containing block data transfer requests between I/O devices. McKee further describes “The transaction queue 808 is capable of being frozen by the queue control logic 806 in response to <que.sub.-- FRZ> so that all entries that have not been selected will not be executed, i.e. processed onto the IOC bus 110.” (McKee, col. 20, lines 26-30). Pausing McKee’s transaction queue is distinctly different from pausing a currently executing transaction. McKee does not describe pausing a transaction that is currently executing, but rather, pausing a queue of transactions. Thus, McKee describes, as shown above, that no further entries from the queue will be executed, i.e. the queue has been paused. In

other words, McKee describes a system that stops between transactions, not during execution of a transaction. In fact, McKee explicitly states that an IOC **transaction can be in only 3 distinct states of operation**: “Once an IOC transaction is initiated, it continues without interruption until it completes, has an error, or experiences a time out.” (McKee, col. 16, lines 50-51) (Emphasis added) In other words, an IOC transaction can only be completed, have an error, or time out, but an IOC transaction cannot be in a paused state of operation. Accordingly, McKee explicitly does not teach or suggest this limitation of Applicant’s claim. Applicants further assert that none of the cited references teach or suggest this limitation of claim 1.

Further regarding claim 1, the cited art does not teach or suggest *resume execution of the paused ones of the plurality of transactions managed by the transaction manager in response to a resume request*. As discussed above, McKee describes a transaction queue that can be frozen, such that no further entries from the queue will be processed. McKee further describes that the transaction queue may be unfrozen: “Unfreezing the transaction queue 808 using the same mechanism allows the I/O controller 120 to resume processing entries.” (McKee, col. 20, lines 30-32). Thus, McKee’s action of unfreezing the transaction queue allows additional entries to be processed through the queue. However, as discussed above, McKee does not pause any transactions that are in the process of executing. Likewise, McKee is unable to resume operation of such transactions. McKee’s system merely unfreezes a queue of transactions, allowing transactions to continue processing, not resuming transactions previously paused during execution. Accordingly, McKee does not teach or suggest this limitation of Applicant’s claim. Applicants further assert that none of the cited references teach or suggest this limitation of claim 1.

Further regarding claim 1, contrary to the Examiner’s assertion, the cited art does not teach or suggest *a transaction manager, wherein the transaction manager is configured to: manage a plurality of transactions initiated by one or more applications*. The Examiner admits that this limitation is not taught by McKee, and relies on Saliba to teach it, citing paragraphs [0040], [0042], and [0043] of Saliba. However, the cited

portion of Saliba actually describes: “The financial transaction manager (FTM) 116 provides the functional control of the financial transaction services offered through email system 102. ... FTM 116 facilitates secure financial transactions using an email interface provided by email system 102. ... the FTM 116 interfaces with one or more asset-backed accounts at financial institutions to facilitate the electronic financial transactions.” (Saliba, para. [0043]) (emphasis added). In other words, Saliba facilitates the financial transactions, but does not actually manage the financial transactions. Saliba specifically describes that the financial transaction manager interfaces with financial institutions to facilitate the transactions. The financial institutions, therefore, actually manage the processing and execution of the transactions. Saliba’s system merely provides a user interface (email system) through which users can initiate transactions that are processed by a financial institution. Applicant’s claim 1 recites a transaction manager capable of pausing and resuming transactions. Saliba’s financial transaction manager has no capability of pausing or resuming transactions, but can only initiate and forward transactions on to another processing entity. Accordingly, Applicants assert that Saliba, whether considered alone or in combination with the other cited references, does not teach or suggest the transaction manager recited in Applicants’ claim 1. Applicants further assert that none of the cited references teach or suggest this limitation of claim 1.

Furthermore, the Examiner has not stated a proper reason to combine the teachings of the cited art. The Examiner asserts that it would have been obvious to combine the teachings of McKee with the teachings of Saliba because “this allow to enable users to access and utilize the features of email system to complete their purpose.” The Examiner has merely stated features of Saliba, not a reason to combine the teachings of Saliba with the teachings of McKee in such a way that would result in Applicant’s claimed invention. In addition, **the Examiner’s reasoning has absolutely nothing to do with the systems of McKee or with Applicant’s claimed invention.** “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR v. Teleflex*, 550 U.S. ___, 82 USPQ2d 1385, 1396. Since the Examiner has not presented such reasoning, the rejection is improper. McKee’s

system of data block transfers between I/O devices has nothing to do with the email system taught by Saliba. Furthermore, claim 1 is not directed to block data I/O transfers or email systems used to facilitate transactions. Even if combined, these references would not suggest Applicants' claimed invention. Combining the block data transfer system of McKee with the email system of Saliba would not result in a transaction manager pausing currently executing transactions in response to a pause command and then resuming the same transactions in response to a resume command. As described above, McKee freezes and unfreezes a transaction queue (i.e. between transactions) and Saliba facilitates transactions with an email system. The combination of McKee and Saliba does not result in a transaction manager capable of pausing and resuming transactions during execution of the transactions. The combination of these references does not teach or suggest Applicants' claimed invention.

In addition, the Examiner has not stated a proper reason to combine the teachings of Hallmark with the teachings of McKee and Saliba.. Specifically, the Examiner asserts the combination would have been obvious because "it allow to prevent other transactions from altering the data at inappropriate times during processing." Again, the Examiner has merely stated features of Hallmark, not a reason to combine the teachings of Hallmark with the teachings of McKee and Saliba in such a way that would result in Applicant's claimed invention. Hallmark describes transactions between databases that can be executed atomically. As described above, neither McKee nor Saliba teach or suggest a transaction manager pausing transactions during execution of the transactions and then resuming the paused transactions. Hallmark teaches nothing that would overcome the deficiencies of McKee and Saliba. Even if Hallmark were combined with McKee and Saliba, these references still would not suggest Applicant's claimed invention. McKee describes block data transfers between I/O devices. Saliba describes facilitating financial transactions. Hallmark is directed to atomic transactions between database systems. None of these references, either alone or in combination, teach a transaction manager configured to pause currently executing transactions and resume the paused transactions. The combination of these references does not teach or suggest Applicants' claimed invention.

To establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As discussed above, the cited art does not teach or suggest all limitations of Applicant's claim, whether taken separately or in combination, and the Examiner has not stated a proper reason to combine the references. Accordingly, the Examiner has failed to establish a prima facie case of obviousness.

For at least the reasons above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested.

Independent claims 14, 15 and 26 recite limitations similar to those discussed above regarding claim 1, and were rejected using similar reasoning. Therefore, the arguments presented above apply with equal force to these claims, as well.

Applicants also assert that numerous other ones of the dependent claims recite further distinctions over the cited art. Applicants traverse the rejection of these claims for at least the reasons given above in regard to the claims from which they depend. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-15100/RCK.

Respectfully submitted,

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